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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ELI LILLY AND COMPANY,

Plaintiff,

vs.

EMPOWER CLINIC SERVICES, LLC
d/b/a EMPOWER PHARMACY,
EMPOWER CLINIC SERVICES NEW
JERSEY, LLC d/b/a EMPOWER
PHARMA,

Defendants.

Civil Action No. 2:25-cv-02183 (MEF) (MAH)

Electronically Filed

**NOTICE OF MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

To: Hon. Michael E. Farbiarz, U.S.D.J.

Return Date: To Be Set by the Court

Oral Argument Requested

TO: Liza M. Walsh
Selina M. Ellis
Lauren R. Malakoff
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Attorneys for Plaintiff

PLEASE TAKE NOTICE that on a date and time to be set by the Court in accordance with the Court's Order at ECF No. 11, the undersigned attorneys for Defendants Empower Clinic Services, LLC d/b/a Empower Pharmacy; and Empower Clinic Services New Jersey, LLC d/b/a Empower Pharma, shall move before the Honorable Michael E. Farbizar, United States District Judge for the District of New Jersey, for an Order dismissing Plaintiff's Complaint for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that in support of its motion, Defendants will rely on the accompanying Memorandum of Law and Declaration of Stephen M. Orlofsky.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted with this motion.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civil Rule 78.1, Defendants request oral argument.

Dated: June 5, 2025

s/ Stephen M. Orlofsky

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CERTIFICATION OF SERVICE

I certify that on this date, I caused a copy of the foregoing Notice of Motion to Dismiss Plaintiff's Complaint, Memorandum of Law in Support of Motion to Dismiss, Declaration of Stephen M. Orlofsky, and proposed form of Order to be filed and served on the Clerk and all counsel of record via the Court's CM/ECF system.

s/ Stephen M. Orlofsky
Stephen M. Orlofsky

Dated: June 5, 2025